

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

SECURITIES AND EXCHANGE COMMISSION,)	
)	
Plaintiff,)	
)	No. 3:11-CV-176
v.)	(VARLAN/GUYTON)
)	
AIC, Inc., <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02.

Now before the Court is a Motion for Admission of Jeffery J. Scott, Esq. *Pro Hac Vice* and Motion for Leave of Court for Jeffrey J. Scott, Esq. to Act as Counsel at Trial for the Witness Thomas B. Miller [Doc. 158]. In this combined motion, Thomas B. Miller, who is listed as a potential witness in this case, [see Doc. 126 at 7], moves the Court to allow Attorney Jeffrey J. Scott to appear on his behalf in this case *pro hac vice*. Mr. Miller moves the Court to allow Attorney Scott to object to questioning on Mr. Miller's behalf.

The Court finds that the motion complies with Local Rule 83.5, which governs admissions *pro hac vice*. The Court finds, however, that this motion is premature and not well-taken. As the District Judge noted at the pretrial conference in this matter, Attorney Scott may observe the trial proceedings of this case, and at the District Judge's discretion, he may pose objections. Nonetheless, the Court cannot find at this juncture that his requested participation in the trial of this case is appropriate.

Accordingly, the Motion for Admission of Jeffery J. Scott, Esq. *Pro Hac Vice* and Motion for Leave of Court for Jeffrey J. Scott, Esq. to Act as Counsel at Trial for the Witness Thomas B. Miller [Doc. 158] is **DENIED WITHOUT PREJUDICE**. The Clerk of Court **SHALL** refund the *pro hac vice* fee paid by Mr. Miller, and Mr. Miller may renew his request, to the extent appropriate, at trial.

IT IS SO ORDERED.

ENTER:

/s H. Bruce Guyton
United States Magistrate Judge